

CHAPTER LVI.

An Act to provide for the location of a State Road from Saint Charles, in Winona County, to Preston, in Fillmore County.

SECTION 1. Commissioners appointed—for what purpose.

2. When and where to meet—vacancies how filled.

3. When to designate the time and place to commence the laying out of said road.

4. May employ assistants.

5. Expenses, how paid.

6. Damages sustained—how ascertained.

7. To file plat of road.

8. When considered to be a legal road.

9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

For what purpose
commissioners ap-
pointed

SECTION 1. That Grose Gates, Jason Hewit and Vincent Hicks are hereby appointed commissioners to make out, locate and establish a State road, commencing at the village of Saint Charles, in Winona county, thence, by the nearest and most practicable route, to the village of Preston, in Fillmore county.

When commis-
sioners to meet—
vacancies how
filled

SEC. 2. That said commissioners shall meet at Saratoga, in Winona county, on or before the first Monday in June, one thousand eight hundred and sixty-four; and in case any of said commissioners neglect or refuse to act, as herein provided, the others shall appoint some suitable person, from the neighborhood of such absentee, to fill such vacancy.

When to designate
me to commence

SEC. 3. That at the first meeting of said commissioners, they shall designate the time and place when they will commence the laying out of said road, and may adjourn from time to time, as may, in their judgment, be necessary.

May employ assist-
ants

SEC. 4. That the commissioners are hereby empowered to employ one surveyor, and two chainmen and one axeman.

SEC. 5. That the necessary expenses incurred for the laying out of said road shall be paid by the counties through which the said road shall pass, in propor-

tion to the length of said road in such counties. *Pro-* Expenses how paid
vided, That such commissioners shall not be paid more than one dollar and fifty cents per day, nor such surveyor, at a higher rate than three dollars per day, nor such chainmen and axeman a higher rate than one dollar and fifty cents per day in locating, platting and marking out said road.

SEC. 6. That it shall be the duty of the said commissioners to appraise the damages sustained by each owner of lands through which said road may pass, by reason of the laying out of said road. *Provided*, That Damages sustained
 —how ascertained
 in case any of the owners shall feel themselves aggrieved by said appraisal, he may, within thirty days after said appraisal, appeal, in writing, to the chairman of the board of supervisors of the town wherein the land lies through which said road may run, and the said supervisor shall cause a constable of his town to summon a jury of twelve freeholders of said town, who shall proceed to examine said road, a majority of whom shall determine the amount of damages, if any, the said owner has sustained on account of the laying out of said road through his lands, which assessment shall be final.

SEC. 7. That the said commissioners shall cause to be deposited and filed in the office of the county auditors of the counties through which the said road may pass, a copy of the plat of said road, together with their appraisal of damages, an exemplification of which shall be legal evidence of the opening and existence of said road. *Provided*, That said road shall not be opened through enclosed improved lands until the damages assessed to the owners shall have been paid or tendered. To file plat of road

SEC. 8. That when a section of said road, running through one of said counties shall have been surveyed and platted, and the plat, together with the appraisal of damages, shall be filed in the office of the county auditor of said county, said section shall be a legal road, without reference to any other portion of said road. When considered to be a legal road

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, March 1, 1864.